United Nations S/2003/312

Security Council

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Draft resolution

The Security Council,

Reaffirming all its previous resolutions and statements pertaining to the situation between Ethiopia and Eritrea, and the requirements contained therein, including in particular resolution 1434 (2002) of 6 September 2002,

Further reaffirming its unwavering support for the peace process and its commitment, including through the role played by the United Nations Mission in Ethiopia and Eritrea (UNMEE) in the implementation of its mandate, to the full and expeditious implementation of the Comprehensive Peace Agreement signed by the parties on 12 December 2000 and the preceding Agreement on the Cessation of Hostilities of 18 June 2000 (S/2000/1183 and S/2000/601, respectively, hereinafter referred to as the "Algiers Agreements"), the Delimitation Decision by the Boundary Commission of 13 April 2002 (S/2002/423) embraced by the parties as final and binding in accordance with the Algiers Agreements, including the Orders issued on 17 July 2002 (S/2002/853), and the ensuing binding Demarcation Directions,

Commending the Governments of Ethiopia and Eritrea on the progress made thus far in the peace process, including the recently concluded release and repatriation of prisoners of war, and *calling on* both parties to cooperate with the International Committee of the Red Cross (ICRC) to clarify and to resolve the remaining issues in accordance with the Geneva Conventions, and with the commitments made in the Algiers Agreements,

Reiterating the need for both parties to fulfil their obligations under international law, including international humanitarian law, human rights law and refugee law, and to ensure the safety of all personnel of the United Nations, the Boundary Commission, the ICRC and other humanitarian organizations,

Noting that the peace process is about to enter its crucial phase of demarcation, and *emphasizing* the importance of ensuring expeditious implementation of the Boundary Decision while maintaining stability in all areas affected by the decision,

Stressing that only the full implementation of the Algiers Agreements will lead to sustainable peace which is a crucial precondition to address reconstruction and development needs as well as economic recovery,

Noting with concern the continued violations of the model status of forces agreement, which Ethiopia has signed and Eritrea has agreed to respect,

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Welcoming the eighth report of the Boundary Commission, *noting the concerns* expressed therein with regard to full adherence by the parties to the Boundary Decision and demarcation-related decisions of the Commission, and *expressing* its full support for the work of the Commission and the legal framework within which the Commission is taking its decisions,

Having considered the report of the Secretary-General (S/2003/257),

1. *Decides* to extend the mandate of UNMEE at the troop and military observer levels authorized by its resolution 1320 (2000) until 15 September 2003;

2. *Urges* both Ethiopia and Eritrea to continue to assume their responsibilities and fulfil their commitments under the Algiers Agreements and *calls upon* them to cooperate fully and promptly with the Boundary Commission to enable it to fulfil the mandate conferred upon it by the parties of expeditiously delimiting and demarcating the boundary, to implement fully the Commission's binding Demarcation Directions, to abide promptly by all its Orders, including those issued on 17 July 2002 (S/2002/853), and to take all steps necessary to provide the necessary security on the ground for the staff of the Commission when operating in territories under their control;

3. *Expresses* concern regarding recent incidents of incursions across the southern boundary of the Temporary Security Zone and *calls on* both parties to ensure an immediate end to such incidents and to cooperate fully with UNMEE investigations in this regard, and expresses further concern about the placement by unknown entities of anti-tank mines in the Temporary Security Zone;

4. *Calls on* the parties to cooperate fully and expeditiously with UNMEE in the implementation of its mandate to ensure the personal security of UNMEE staff when operating in territories under their control, and to facilitate their work, including by establishing a direct high-altitude flight route for UNMEE between Asmara and Addis Ababa, which would relieve the unnecessary additional cost to UNMEE;

5. *Demands* that the parties allow UNMEE full freedom of movement and remove with immediate effect any and all restrictions on, and impediments to the work of, UNMEE and its staff in the discharge of its mandate;

6. *Affirms* the ability of UNMEE, within its existing verification mandate, to monitor the parties' fulfilment of their responsibilities with regard to the security of the Boundary Commission staff working in the field;

7. *Notes* the work done by the UNMEE Mine Action Coordination Centre in demining and education on risk related to mines, and *urges* the parties to pursue efforts on mine clearance;

8. *Urges* the two parties to engage expeditiously in further discussions with the Special Representative of the Secretary-General so that they reach agreement on the timing and modalities of territorial transfer, which could include the establishment by the parties of a mechanism for the resolution of problems in this regard;

9. *Urges* the two parties to begin to sensitize their populations about the demarcation process and its implications, including the role of the United Nations in support of this process;

10. *Calls on* the parties to refrain from unilateral troop or population movements, including establishment of any new settlements in areas near the border, until demarcation and orderly transfer of territorial control has been accomplished, in accordance with article 4.16 of the Comprehensive Peace Agreement;

11. *Reaffirms its decision* to review frequently the progress made by the parties in the implementation of their commitments pursuant to the Algiers Agreements, including through the Boundary Commission, and to review any implications for UNMEE, including with regard to the process of territorial transfers during the demarcation as outlined by the Secretary-General in his report of 10 July 2002;

12. *Encourages* the guarantors, facilitators and witnesses of the Algiers Agreements and the Friends of UNMEE to further intensify their contacts with the authorities of both countries with a view to contributing to an expeditious demarcation process;

13. *Welcomes* the contributions by Member States to the Trust Fund for the Delimitation and Demarcation of the Border and *calls on* the international community to continue to contribute urgently to the Trust Fund in order to facilitate the conclusion of the demarcation process in accordance with the Boundary Commission's schedule;

14. *Calls again* on the parties to increase their efforts to take measures that will build confidence and contribute to the normalization of relations between them, including in particular their political relations and those in the areas listed in paragraph 14 of resolution 1398 (2002) of 15 March 2002;

15. *Expresses its concern* at the prevailing drought and worsening humanitarian situation in Ethiopia and Eritrea and the implications this could have for the peace process and *calls on* Member States to continue to provide prompt and generous support for humanitarian operations in Ethiopia and Eritrea;

16. *Invites* the African Union to continue to lend its full support to the peace process;

17. *Expresses its strong support* for the Secretary-General's Special Representative, Mr. Legwaila Joseph Legwaila, the UNMEE Force Commander, Major General Robert Gordon, the military and civilian personnel of UNMEE and the Boundary Commission for their work in support of the peace process;

18. *Decides* to remain actively seized of the matter.